

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-80336-CIV-CANNON/Reinhart

LATRISA L. BELL,

Plaintiff,

v.

BROAD MANAGEMENT GROUP, LLC, et al.,

Defendants.

ORDER ACCEPTING CONCLUSION IN REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon Magistrate Judge Reinhart’s Report and Recommendation on Defendant’s Motion for Attorneys’ Fees (the “Report”) [ECF No. 46], filed on October 20, 2022.

On June 30, 2022, the Court granted Defendants’ Motion to Dismiss and dismissed Plaintiff’s federal claims with prejudice for failure to exhaust administrative remedies [ECF No. 40]. The Court declined to exercise supplemental jurisdiction over Plaintiff’s remaining state law claims [ECF No. 40 pp. 9–10]. Entry of final judgment in favor of Defendants followed thereafter [ECF No. 41]. Defendant FirstService Residential Boca, Inc. then filed the instant Verified Motion for Attorneys’ Fees (“Motion”), seeking \$29,361.96 in attorneys’ fees [ECF No. 42 p. 6]. The Court referred the Motion to Magistrate Judge Bruce E. Reinhart for a report and recommendation [ECF No. 43]. On October 20, 2022, Judge Reinhart issued a Report, recommending denial of the Motion [ECF No. 46 p. 8]. Objections to the Report were due on

November 3, 2022 [ECF No. 46 p. 8]. No party filed objections, and the time to do so has expired [ECF No. 46 p. 8].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court agrees with the Report's conclusion that Plaintiff's Title VII claims were not frivolous, unreasonable, or without foundation.


Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The Report [ECF No. 46] is **ACCEPTED** insofar as it concludes that Defendant First Service has not meet the stringent burden to show entitlement to attorneys' fees. No further adoption of the Report is necessary beyond the analysis limited to that conclusion.
2. The Verified Motion for Attorneys' Fees filed by Defendant FirstService Residential Boca [ECF No. 42] is **DENIED**.

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DONE AND ORDERED in Chambers at Fort Pierce, Florida this 7th day of November 2022.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record